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8 IN THE UNITED STATES DISTRICT COURT
9 FOR THE NORTHERN DISTRICT OF CALIFORNIA
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11 ULTRATECH, INC.,,

No. C 03-03235 CRB

12 Plaintiff,

**ORDER RE: QUESTIONS FOR ORAL
ARGUMENT**

13 v.

14 TAMARACK SCIENTIFIC CO.,

15 Defendant.
16 _____/

17 The Court will hold oral argument on the parties' various motions regarding invalidity
18 at 10:00 a.m. on May 13, 2005. Oral argument shall be limited to the issues raised by the
19 following questions:

20 1. If in 1990 one had designed an exposure and alignment system using a Cognex pattern
21 recognition system that could not be re-programmed to recognize any new or different
22 fiducials, would such a system satisfy IBM's demand for a system with the flexibility to
23 recognize different fiducials in the future?

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25 2. When Professor Oldham opines that the Cognex 2000 and 3400 do not have a
26 "command interface" to rapidly reconfigure the system to enable the user to select and use
27 arbitrary key and target patterns for alignment," Hale Decl. Exh. 16 at ¶ 19, does he mean
28 that they do not permit the user to select the key and target patterns at the time of operation?
If not, what is he talking about?

1 3. Does Ultratech dispute that an exposure and alignment system utilizing Cognex 2000
2 or 3400 could have been reprogrammed--prior to (but not during) alignment--to recognize
3 any fiducial selected by the user of the system? Does it dispute that IBM used earlier
4 Tamarack off-axis exposure and alignment systems to do just that?

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6 4. What does Professor Oldman mean when he says that the '813 requires "key and
7 target patterns that are arbitrary and user selectable, for use in alignment?" Hale Decl. Exh.
8 16 at ¶ 15. Similarly, what is meant by a system utilizing Cognex could be designed to have
9 "no functionality to learn and store arbitrary and user selectable key and target patterns on the
10 reticle and substrate?" Id. ¶ 18. Does he mean that the '813 requires the user at the time of
11 operation to "select" a pattern that has not been previously learned and stored in memory?

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13 5. What does footnote 5 in In Re Caveney, 761 F.2d 671, 675 (Fed. Cir. 1985) mean?

14 **IT IS SO ORDERED.**

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17 Dated: May 11, 2005

18 /s/
19 CHARLES R. BREYER
20 UNITED STATES DISTRICT JUDGE
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